

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF  
MISSISSIPPI**

HILL, et al., )  
                        )  
Plaintiff,         )  
                        )  
v.                   ) Civil Action No: 3:14-cv---213-SA-RP  
                        )  
HILL BROTHERS CONSTRUCTION )  
COMPANY, INC., et al., )  
                        )  
Defendants.        )

**PLAINTIFFS' UNOPPOSED MOTION FOR  
PRELIMINARY APPROVAL OF CLASS ACTION  
SETTLEMENT AND CERTIFICATION OF  
SETTLEMENT CLASS**

**COMES NOW**, Plaintiffs Robert K. Hill, Donald Byther, Sandy Byther, Keith Clark, Samuel Copeland, B.T. Erve, Percy Evans, George Flakes, Scott Goolsby, Sheila Kelly, Paul Leonard, Fred Smith, Dewayne Toliver, Ulysses Wiley, and Warfloyd Winters (hereinafter "Plaintiffs"). In support thereof, Plaintiffs have filed their supporting brief establishing that:

1. The Class should be preliminary approved as the class settlement is fair, adequate, and reasonable; the proposed method of class notice is appropriate; class representatives have and will adequately represent the class, and Plaintiffs' counsel is qualified to prosecute the class; and
2. Provisional certification of the settlement is appropriate as Plaintiffs satisfy the implicit ascertainability requirement, the four requirements of Rule 23(a), and the requirements of Rule 23(b). Plaintiffs have also provided supporting documents and are submitting a draft Order for the Court's consideration following the filing of the instant Motion.
3. In support of this Motion for Preliminary Approval of Class Action Settlement and Certification of Settlement Class, Plaintiffs would rely on their Memorandum Brief, which is

being filed contemporaneously, and the following Exhibits which are attached hereto and incorporated into said Motion by reference:

- Exhibit 1: Class Action Settlement Agreement;
- Exhibit 2: Memorandum of Settlement Agreement;
- Exhibit 3: Long Form Notice to Class;
- Exhibit 4: Short Form Notice to Class;
- Exhibit 5: Curriculum Vitae of Edgar C. Gentle, III;
- Exhibit 6: Declaration of Diandra Debrosse-Zimmerman;
- Exhibit 7: Declaration of Edgar C. Gentle, III;
- Exhibit 8: Declaration of Sterling R. Deramus;
- Exhibit 9: Declaration of Matthew Y. Harris;
- Exhibit 10: Declaration of L.N. Chandler Rogers;

**WHEREFORE**, Plaintiffs respectfully request that this Honorable Court:

1. Preliminary approve the proposed Settlement;
2. Conditionally certify the Class;
3. Conduct a “formal fairness hearing” or final settlement approval hearing, at which class members may be heard regarding the Settlement, and at which evidence and argument concerning the fairness, adequacy, and reasonableness of the Settlement may be presented; and
4. Ultimately grant final approval of the class settlement, certify the Settlement Class, and grant all further relief.

**RESPECTFULLY SUBMITTED**, this the 3<sup>rd</sup> day of April, 2017.

/s/ Matthew Y. Harris MS  
STATE BAR NO. 99595

/s/ L.N. Chandler Rogers  
MS State Bar No. 102543

/s/ Diandra S. Debrosse Zimmermann  
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/s/Edgar C. Gentle, III  
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**CERITIFICATE OF SERVICE**

I hereby certify that on April 3, 2017, the foregoing was filed with the Clerk of the Court using the CM/ECF system, which sent notifications of such filing to all counsel of record:

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**SO CERTIFIED**, this the 3<sup>rd</sup> day of April, 2017.

/s/ L.N. Chandler Rogers